

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

Civil Rights Division

2019 AUG 26 PM 1:25
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND
1:19 CV 1952

Carl A. Collins

Case No. _____

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

City of Cleveland, Municipal Court - Kimberly Barrett
Mills, Chief Police Prosecutor- Karyn Lynn, Asst.
Police Prosecutor- Hiram Morales

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

JUDGE OLIVER

MAG. JUDGE RUIZ

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Carl A. Collins
Street Address	12621 Walnut Hill Drive
City and County	North Royalton - Cuyahoga County
State and Zip Code	Ohio 44133
Telephone Number	(440) 582-0316
E-mail Address	

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>City of Cleveland Municipal Court</u>
Job or Title <i>(if known)</i>	<u></u>
Street Address	<u>1200 Ontario Street</u>
City and County	<u>Cleveland - Cuyhoga County</u>
State and Zip Code	<u>Ohio 44112</u>
Telephone Number	<u></u>
E-mail Address <i>(if known)</i>	<u></u>

Defendant No. 2

Name	<u>Kimberly Barnett Mills, esq</u>
Job or Title <i>(if known)</i>	<u>Chief Cleveland Police Prosecutor</u>
Street Address	<u>1200 Ontario Street</u>
City and County	<u>Cleveland - Cuyahoga County</u>
State and Zip Code	<u>Ohio 44113</u>
Telephone Number	<u></u>
E-mail Address <i>(if known)</i>	<u></u>

Defendant No. 3

Name	<u>Karyn J. Lynn, esq</u>
Job or Title <i>(if known)</i>	<u>Assistant Cleveland Police Prosecutor</u>
Street Address	<u>1200 Ontario Street, 8th Floor</u>
City and County	<u>Cleveland - Cuyahoga County</u>
State and Zip Code	<u>Ohio 44113</u>
Telephone Number	<u></u>
E-mail Address <i>(if known)</i>	<u></u>

Defendant No. 4

Name	<u>Hiram Morales</u>
Job or Title <i>(if known)</i>	<u>Ohio State Highway Patrolman</u>
Street Address	<u>Ohio State Highway Patrol Post 18, 525 west 140th Street</u>
City and County	<u>Brook park - Cuyahoga County</u>
State and Zip Code	<u>Ohio 44142</u>
Telephone Number	<u></u>
E-mail Address <i>(if known)</i>	<u></u>

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

The U.S. Constitutional Provisions and Amendments at issue by the Plaintiff which may have been violated by the Defendants in the Cleveland, Ohio Municipal Court case 14 TRC 050482 at issue include the 4th, 5th, 6th and 8th Amendments.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of *(foreign nation)* _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.
Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

The Defendants(s) have as individuals and a group violated several of the Constitutional rights of the Plaintiff. Thereby placing the Plaintiff in a situation wherein he was convicted of a first degree misdemeanor and sentenced to fines and incarceration. The sentences, fines and possible incarceration would have been avoided if all of the Plaintiff's Constitutional Rights had been recognized and adhered to.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

The Plaintiff asks that all damages punitive and exemplary be set aside and that he be made whole and relieved from the strictures of the false and unnecessary prosecution stemming from his Constitution Rights not having been awarded him before and in the stated trial in Cleveland Municipal Court.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 08/26/2019

Signature of Plaintiff

Printed Name of Plaintiff

Carl A. Collins
Carl A. Collins

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address